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Dated: April 22, 2010

Signature:

  
(David A. Gass)

Docket No.: 28079/41785  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Fischoff, et al.

Application No.: 08/434,105

Confirmation No.: 2627

Filed: May 3, 1995

Art Unit: 1638

For: Synthetic Plant Genes and Method for  
Preparation

Examiner: Anne R. Kubelik

### **REQUEST FOR REFUND OF PUBLICATION FEE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The Applicants submitted payment for the issue fee for this application on April 9, 2010. In paying the issue fee, an additional publication fee of \$300.00 was inadvertently selected and paid (by credit card authorization), where no publication fee was necessary. Thus, a credit in the amount of \$300.00, to Deposit Account No. 13-2855 (under Order No. 29968/43616), is respectfully requested.

Date: April 22, 2010

Respectfully submitted,



David A. Gass, Reg. No. 38,153  
MARSHALL, GERSTEIN & BORUN LLP  
233 South Wacker Drive, 6300 Sears Tower  
Chicago, Illinois 60606  
Tel. (312) 474-6300  
Fax (312) 474-0448  
Attorney for Applicants

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
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74002 7590 03/26/2010

Marshall, Gerstein & Borun LLP (Monsanto)  
233 South Wacker Drive  
6300 Willis Tower  
Chicago, IL 60606

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(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/434,105	05/03/1995	DAVID A FISCHHOFF	28079/41785	2627

TITLE OF INVENTION: SYNTHETIC PLANT GENES AND METHOD FOR PREPARATION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	06/28/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
KUBELIK, ANNE R	1638	435-440000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).	2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
<input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.	1 _____

"Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

\_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent):  Individual  Corporation or other private group entity  Government

4a. The following fee(s) are submitted:

Issue Fee  
 Publication Fee (No small entity discount permitted)  
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4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

A check is enclosed.  
 Payment by credit card. Form PTO-2038 is attached.  
 The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.  b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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**Commissioner for Patents**

**P.O. Box 1450**

**Alexandria, Virginia 22313-1450**

**or Fax (571) 273-2885**

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CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

MARSHALL, GERSTEIN & BORUN LLP  
233 S. Wacker Drive  
6300 Willis Tower  
Chicago, Illinois 60606-6357

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### Certificate of Mailing or Transmission

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(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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08/434,105 05/03/1995

David A. Fischhoff

28079/41785

2627

TITLE OF INVENTION: SYNTHETIC PLANT GENES AND METHOD FOR PREPARATION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
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Non-Provisional

no

\$1,510.00

\$300.00

\$1,810.00

06/26/2010

EXAMINER

ART UNIT

CLASS-SUBCLASS

A. R. Kubelik

1638

435-440000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached.

**Use of a Customer Number is required.**

2. For printing on the patent front page, list  
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 MARSHALL, GERSTEIN & BORUN  
LLP

2 \_\_\_\_\_  
3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Monsanto Technology LLC

St. Louis, Missouri

Please check the appropriate assignee category or categories (will not be printed on the patent):  Individual  Corporation or other private group entity  Government

4a. The following fee(s) are enclosed:

Issue Fee  
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 Advance Order -# of Copies 3

4b. Payment of Fee(s):

A check in the amount of the fee(s) is enclosed.  
 Payment by credit card.  
 The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 13-2855

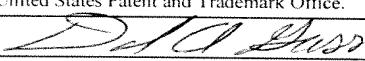
5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.  b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature



Date April 9, 2010

Typed or printed name

David A. Gass

Registration No. 38,153